



1038.1001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Ravi I. SHARMA  
Serial No. : 10/528,164  
Filed : March 14, 2005  
For : INVERTED KEYBOARD INSTRUMENT  
AND METHOD OF PLAYING THE SAME  
Group Art Unit : 2832  
Examiner : Christopher J. Uhler  
Confirmation No. : 6495

**NOTICE OF ELECTION AND  
RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22312-1450

Dear Sir:

Pursuant to the Examiner's Restriction Requirement dated September 8, 2009, Applicant hereby elects preliminarily Invention Group I (Claims 1 and 5), Species I (FIGS. 7 and 7A), with traverse, for prosecution in this Application. Such preliminary election is made in the interest of expedience, given that the captioned Application has been pending for four and a half (4 ½) years without any action on the merits.

In the Restriction Requirement, the Examiner takes the position that Invention Groups I and II are not so linked as to form a single general inventive concept under PCT Rule 13.1. He also asserts that Invention Group I necessarily lacks the same or corresponding special technical features

of Invention Group II. In this connection, he defines Group I as directed to a specific type of electronic keyboard instrument having first and second keyboards with specific orientations, whereas, he says, Group II relates to a floating key assembly that can be used in different keyboard assemblies where the key is depressed on either end for producing sounds.

\* \* \* \* \*

Applicant, however, respectfully disagrees that Invention Groups I and II are not so linked as to form a single general inventive concept under PCT Rule 13.1. Such linkage, we submit, is disclosed throughout, and is inherent in, the Specification. Furthermore, Applicant respectfully traverses the Examiner's assertion that Invention Group I necessarily lacks the same or corresponding special technical features of Invention Group II. Indeed, we respectfully dispute that such distinctions warrant their placement in separate Applications. Applicant submits, not only would it be inappropriate to prosecute the subject matter of Groups I and II separately, but also burdensome both to the Patent Office and to Applicant.

\* \* \* \* \*

Moreover, Applicant respectfully disagrees with the Examiner's indication that, upon election of Group I, the Claims are further directed to more than one Species of the alleged generic invention. According to the Examiner, such Species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Species are identified by the Examiner as follows: (i) Species I, FIGS. 7 and 7A, purportedly directed to a bowed electronic keyboard instrument; (ii) Species II, Fig. 8, allegedly concerning a pivotable electronic keyboard instrument; (iii) Species III, FIG. 9, purportedly relating to an S-shaped electronic keyboard instrument; and (iv) Species IV, FIG. 10, allegedly directed to an electronic keyboard instrument

where the bottoms of the keys are "arched".

To the extent Applicant understands the context of such differences purported above, and given that they are alleged but not explained by the Examiner, Applicant respectfully disagrees that the captioned Application contains Claims directed to more than one Species of a Generic invention. Applicant also disputes that the respective Species identified are not so linked as to form a single general inventive concept, each being selected embodiments of the invention described.

Accordingly, reconsideration of the Examiner's Restriction Requirement is respectfully requested..

Respectfully submitted,




Dated: October 8, 2009

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope with sufficient postage addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on October 8, 2009

Name Grant E. Pollack

Signature 

Grant E. Pollack, Esq.  
Registration No. 34, 097  
POLLACK, P.C.  
The Chrysler Building  
132 East 43<sup>rd</sup> Street, Suite 760  
New York, New York 10017  
Telephone: (646) 265-1468  
Facsimile: (646) 253-1276  
E-mail: [gpollack@pollackpc.com](mailto:gpollack@pollackpc.com)

Attorney for Applicant